

SIMON GREEN.

FEBRUARY 29, 1840.

Laid on the table.

Mr. RUSSELL, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the claim of Simon Green, for corn, &c., forcibly taken from him by the United States troops under the command of Colonel Snodgrass, on their march from Alabama to Florida, in November, 1837, make the following report :

The petitioner claims compensation for 300 bushels of corn, at \$2 per bushel	\$600 00
and 8,000 lbs. fodder	180 00
Total	780 00

taken from him, as he alleges, forcibly by the troops of the United States under the immediate command of Colonel Snodgrass, of the United States army, on the 17th day of November, 1837, when on their march from the State of Alabama to the Territory of Florida, and applied to the use of the army. Upon his account exhibited, the petitioner gives credit for cash left by the quartermaster on the same day, to the amount of \$349 75. The quantity of fodder and corn, as claimed, does not appear to have been ascertained by him from actual measurement or weight of the quantity, but is the result of calculation from the appearance of the articles in bulk. And though the affidavit of the petitioner of the correctness of the account, and a certificate of four gentlemen of high respectability, accompany the papers, concurring with the petitioner in his estimates, yet the committee cannot regard either as testimony on which they would be justified in reporting in the petitioner's favor. The affidavit of the petitioner to establish his claim cannot be received for that purpose, because he is the party interested; and the certificate cannot be received, because it is not duly authenticated. There is, then, no evidence to sustain the claim; and the fact of the quartermaster having paid the petitioner \$349 75 at the time the property was taken, is at least an indication of the opinion of the officer who took it of its value. But if the documents submitted were to be received as evidence, yet the claim would not be sustained. Claims of this class must be sustained by the best testimony the nature of the case will admit, if in the power of the claimant. When property (as is alleged in this case) has been taken by an officer for the use of the army, the certificate of the officer, if he is still in service, should be procured, showing the reason for taking it, its quantity and value, and whether any payment was made for the articles so taken at

the time; and if so, how much. For the security of the Government, this rule of evidence must be regarded, and should only be dispensed with in cases of necessity, of which this is not one. The testimony of Colonel Snodgrass, and the quartermaster who made the payment, should be produced, or the omission accounted for.

With these views the committee are of opinion that the claim is not sustained by the requisite evidence, and therefore offer for the consideration of the House the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.